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8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

10 In re) Bankruptcy Case No. 09-71561
11 NICOLE CHRISTINA MCCONVILLE,) RS No. KH-796
12 Debtor.) Chapter 7

13 CARRINGTON MORTGAGE SERVICES,
14 LLC, servicer and attorney in fact for Deutsche
Bank National Trust Company, as Indenture
15 Trustee, for New Century Home Equity Loan
Trust 2005-2, and its successors and/or
16 assignees,

17 Movant,

18 vs.

19 NICOLE CHRISTINA MCCONVILLE,
Debtor, and Tevis Thompson, Trustee,

20 Respondents.
21

**CARRINGTON MORTGAGE'S MOTION
FOR RELIEF FROM AUTOMATIC STAY**

HEARING DATE:

DATE: February 19, 2010

TIME: 11:00 A.M.

CTRM: 201

22 **TO THE HONORABLE LESLIE J. TCHAIKOVSKY, UNITED STATES BANKRUPTCY**
23 **COURT JUDGE, THE DEBTOR, THE DEBTOR'S COUNSEL, THE TRUSTEE AND OTHER**
24 **INTERESTED PARTIES:**

25 CARRINGTON MORTGAGE SERVICES, LLC, servicer and attorney in fact for
26 Deutsche Bank National Trust Company, as Indenture Trustee, for New Century Home Equity Loan
27 Trust 2005-2, and its successors and/or assignees ("CARRINGTON MORTGAGE"), hereby moves
28 this Court for an order terminating the automatic stay of 11 U.S.C. §362 as to Movant in the above-

1 entitled and numbered case so that Movant may commence and continue acts necessary to enforce its
2 security interest in real property commonly known as 1159 79th Avenue, Oakland, CA 94621.

3 CARRINGTON MORTGAGE requests relief from stay in the above numbered Chapter
4 7 case because there is no equity in the Property to benefit the Debtor or the estate and Movant's
5 interest is not protected by an adequate equity cushion. The Property is being surrendered as stated in
6 the Statement of Intentions.

7 This Motion is based upon the attached Declaration and the Memorandum of Points and
8 Authorities attached hereto, as well as upon the documents filed in support of the Motion.

9 DATED: January 25, 2010

Respectfully Submitted,

10 MALCOLM ♦ CISNEROS, A Law Corporation

11 By: /s/ Kevin Hahn
12 KEVIN HAHN
13 Attorneys for Movant